

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: ETHICON INC., PELVIC REPAIR
SYSTEM PRODUCTS LIABILITY
LITIGATION

MDL No. 2327

HONORABLE
JUDGE JOSEPH R. GOODWIN

**(ORDER APPOINTING HON. JAMES ROSENBAUM AS SPECIAL MASTER
FOR PRIVATE SETTLEMENT AGREEMENT BETWEEN ETHICON AND CERTAIN
PLAINTIFFS' COUNSEL)**

Zimmerman Reed LLP ("Plaintiffs' Counsel") has entered into a separate Confidential Master Settlement Agreement (the "Settlement Agreement") with Ethicon, Inc. and Johnson & Johnson, defined by agreement as "Ethicon," to resolve the claims for certain plaintiffs related to the implantation of Ethicon's Pelvic Repair Products (as defined in the Settlement Agreement). Plaintiffs' Counsel has agreed to seek the approval of this Court to appoint a Special Master to perform certain defined functions related to the administration and implementation of the Settlement Agreement. Plaintiffs' Counsel believes that Hon. James Rosenbaum is well-qualified to perform these and other functions discussed below.

Accordingly, Plaintiffs' Counsel request, pursuant to the Court's inherent case management powers, the appointment of Hon. James Rosenbaum to assist in the administration and implementation of their settlement with Ethicon, with the authority to:

- Determine the calculation, allocation, division and distribution of settlement payments among the claimants pursuant to the terms of the Settlement Agreement.
- Determine, pursuant to the terms of the Settlement Agreement, the fair and reasonable compensation for each client based on the facts and circumstances of this litigation, including the risk to all parties of litigation, the cost, the time delay, the medical evidence, the science, the compensation circumstances, and the inherent risk of litigation generally.

Ethicon does not oppose Plaintiffs' Counsel's request. This Court, having considered the request, and in furtherance of the important public policy of encouraging settlement among litigating parties, hereby issues the following Order.

IT IS ORDERED THAT:

1. Judge James Rosenbaum, JAMS, 333 South Seventh Street, Suite 2550, Minneapolis, MN 55402 is hereby appointed as the Special Master for the administration of the settlement reached between Zimmerman Reed LLP, related to the implantation of Ethicon's Pelvic Repair Products (as defined in the Settlement Agreement).
2. The duties of the Special Master shall be as agreed by Plaintiffs' Counsel and Ethicon.
3. In furtherance of the fair and efficient administration and implementation of the settlements, the Special Master may have *ex parte* communications with the parties to the Settlement Agreement, Plaintiffs' Counsel and their clients, Ethicon and its counsel, or the Court, and such *ex parte* communications shall not be deemed to have waived any attorney-client privileges.
4. The Special Master shall be compensated privately as specified by agreement with the Special Master.

ENTERED: _____

JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE